

Appln. No. 09/991,096  
Amendment dated January 9, 2008  
Reply to Office Action mailed October 31, 2007

### **REMARKS**

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claims 1 through 38 remain in this application. Claim 37 has been cancelled. No claims have been withdrawn or added.

### **Parts 1 through 3 of the Office Action**

Claims 1 through 12, 14 through 17, 20 through 26, 29 and 31 through 38 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dean in view of Davis.

Claims 13, 18, 19, 27 and 28 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dean and Davis as applied above and further in view of Official Notice.

Claim 30 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dean.

Claim 1 has been amended to include the requirements of claim 37 which was presented in the previous response and depended from claim 1, and therefore it is submitted that the combination of requirements was previously considered and searched by the Examiner is responding to the previous amendment and is reflected in the current rejections. Therefore, it is submitted that this addition of language to claim 1 does not present new issues or require further searching.

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Therefore, claim 1 requires that "the user personal computer [is] configured to detect and upload data characterizing the interaction by the user with the user personal computer during the initial setup interaction with the user of the user personal computer", as well as requiring that "the initial setup interaction between the user and the user personal computer occurs on the user personal computer" (emphasis added). These features allow, for example, the manufacturer of the computer to be able to obtain objective feedback on the process of setting up the computer by the user of the computer, which is especially useful in the case of an inexperienced user setting up his or her own computer for the first time. The individual personal computer is often purchased and setup by a user that does not have all of the expertise of a computer professional. The feedback regarding the out-of-box-experience of the unsophisticated user may allow the manufacturer to determine ways of facilitating this initial setup by of computers by their inexperienced users.

The rejection of the claims, and particularly claim 1, is based upon the allegedly obvious combination of elements of the Dean and Davis systems. However, it is submitted that the Dean system lacks a significant requirement of the claims, particularly claim 1 as it now includes the requirements of claim 37. More specifically, the Dean patent does not disclose, for example, "detect[ing] and upload[ing] data characterizing the interaction by the user with the user personal computer during the initial setup interaction with the user of the user personal computer". Instead, as shown in the discussion below, the Dean system utilizes a first computer to perform the "installation and configuration" for a second computer, for the express purpose that the second computer does not need to be utilized (and thus taken out of its normal operation) for the purposes of the "installation and configuration". (This in and of itself suggest that the Davis system is not used for an "initial setup" interaction, but some configuration action taken after the computer has already been put into operation.) Thus, as will

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become evident from the following, the purpose of the Dean system is to avoid having to configure the second computer while action using, or interacting with, the second computer. Instead, the configuration of the second computer is actually performed and recorded on the first computer for subsequent use on the second computer. It is submitted that this is in contrast with the requirements of claim 1, which requires that "the initial setup interaction between the user and *the* user personal computer occurs on *the* user personal computer", and thus does not occur on any personal computer other than the personal computer being set up.

Initially, it is noted that the general purpose of the Dean system to minimize the downtime of the second computer due to installation and configuration of the second computer, This purpose is set forth at col. 2, lines 11 through 21 of Dean, where it is stated that (emphasis added):

The present invention together with the above cross-referenced concurrently filed copending patent applications provide solutions which are directed to minimizing the time required for installation and configuration, as well as the significant upgrading of networks made up of a plurality of server computers having groups of client computers connected to each server computer. These inventions further minimize the number of computers in the network which have to be involved in each stage of an installation to thereby permit some of the system to remain functional for as long as possible during an upgrade.

More specifically, Dean discusses how this general purpose is attempted to be achieved—by performing the installation and configuration on a computer other than the computer to be configured—as is stated at col. 2, lines 31 through 39 (emphasis added):

One server computer having an interactive display interface is then designated as a primary server computer. Then, all of the interactive selection entries required to install all of the application programs and the driver programs which may be required to support said internal and external components of all of the other server and client computers in the network are then made into the interactive display interface of said primary server computer.

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This is further explained at col. 2, line 49 through col. 3, line 5 (all emphasis added):

The present invention uses the data files and other information developed during the preliminary processing which involved the primary server computer *alone* as covered by those two copending patent applications. The primary server loads all of the selected application programs onto their respective server and client computers and completes the network configuration under the control of the profile data file which is stored in the primary server computer. All of the selected programs to be installed throughout the network of server and client computers are first loaded into the primary server computer. Then, there is run the sequence of the keystroke and cursor entries required to install said selected components and programs on said server and client computers as recorded in a data file representative of said sequence of entries stored in said primary server computer. As a result, the programs and components are automatically loaded into the respective server and client computers in said network requiring said programs and components. The programs thus distributed include the operating systems for the server and client computers. Driver programs, as well as programs supporting various selected adapters such as network adapters, are preloaded and distributed throughout the network in this manner. Also, all network settings and other configurations are done in this way.

Thus, not only is the installation and configuration “keystrokes and cursor entries” performed on a computer different from the computer that is actually being installed and configured, the data collected from these entries are “automatically loaded” onto the client computer—there is no interaction between the client computer and the user during this installation and configuration. Thus, there is no “out-of-box experience” of an initial setup configuration with the client computer of Dean.

It is therefore submitted that the Dean patent does not disclose “the user personal computer being configured to detect and upload data characterizing the interaction by the user *with the* user personal computer during the initial setup interaction *with* the user of the user personal computer”, and that the Dean patent is more likely to lead one of ordinary skill in the art away from such a requirement, as the Dean system is clearly directed to moving installation and configuration operations to another

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computer in order to minimize the time that the computer being installed and configured is taken out of service. Instead, Dean proposes automatically loading these keystrokes and mouse entries that were recorded on another computer, which indicates that there is little or no "interaction:" between the user and the computer being installed and configured, which minimizes the downtime of that computer.

It is also noted that the Dean system is directed to computers that are already in operation ands that are merely being reconfigured and new software being installed, and thus would not suggest an initial setup interaction or initialization of the computer, but an update process.

Further, it is not alleged in the rejection that the system of the Davis patent discloses this requirement of the claims, and indeed Davis does not supply the aspects of the claimed invention discussed above that are not present in the Dean system.

Generally, the system of the invention is directed to a user personal computer and the initialization process performed by the user, and the problems that may occur during that process. The invention is thus highly suitable for the initialization of personal computers by a user that is not a part of an enterprise system that has access to servers on which configurations can be performed and saved on servers prior to the actual configuration.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Dean, Davis and the Official Notice set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 10, 12, 20, 22 and 23. Further, claims 2 through 4, 6, 8, 9, 25, 26 through 31 which depend from claim 1, claims 5, 7 and 11, which depend from claim 10, claims 13 through 18, which depend from claim 12, claim 19, which depends from

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claim 18, claim 21, which depends from claim 20 and claim 24, which depends from claim 23 also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejections of claims 1 through 36 and 38 is therefore respectfully requested.

### CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



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Jeffrey A. Proehl (Reg. No. 35,987)  
Customer No. **40,158**  
P.O. Box 5027  
Sioux Falls, SD 57117-5027  
(605)336-3890 FAX (605)339-3357